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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,876	06/21/2001	Randy L. Hackbarth	2-3-12	6076

7590 01/13/2005

Thomas Stafford  
4173 Rotherham Court  
Palm Harbor, FL 34685

EXAMINER
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PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/886,876

Applicant(s)

HACKBARTH ET AL.

Examiner

Ryan F Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/21/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-27 have been examined.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 7,17,24 the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1-27 rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al ("Tang", US2002/0101446).

As per independent claim 1, Tang discloses a method for use in providing a Web team portal in a collaborative system comprising the steps of: setting up a plurality of team members to collaboratively communicate (Figure 18); automatically collecting presence information of each of said members in said team ([0111] lines 1-14);

Art Unit: 2174

automatically determining a current location for each team member ([0103] lines 8-16); and dynamically displaying a visual representation having a plurality of display windows including at least said team members, said collected presence and location information ([01017] lines 1-14), and a set of mechanisms for a team member to use in conjunction with said displayed presence and location information to initiate a prescribed mode of communicating with one or more others of said members in said team for a particular collaborative purpose ([0118] lines 1-5).

As per claim 2, which is dependent on claim 1, Tang discloses a method further including a step of a member of said team employing said displayed presence and location information and at least one of said mechanisms to initiate communication with one or more of others of said members in said team (Figure 18).

As per claim 3, which is dependent on claim 1, Tang discloses a method wherein said prescribed mode of communicating includes at least either an asynchronous or a synchronous mode ([0082] lines 20-21).

As per claim 4, which is dependent on claim 3, Tang discloses a method wherein said step of dynamically displaying includes a step of automatically updating one or more said plurality of display windows ([0075] lines 11-13).

As per claim 5, which is dependent on claim 4, Tang discloses a method wherein said steps of automatically collecting presence information include steps of automatically updating said presence and location information, respectively ([0111] lines 1-14).

As per claim 6, which is dependent on claim 5, Tang discloses a method wherein said presence information for a team member represents prescribed activities of said team member regarding one or more of predetermined instrumentalities and /or actions ([0116] lines 8-13).

As per claim 7, which is dependent on claim 6, Tang discloses a method wherein said set of mechanisms includes at least email, chat, voice call or the like ([0082] lines 15-26).

As per claim 8, which is dependent on claim 6, Tang discloses a method further including a step of maintaining said collected and updated presence and location information ([0111] lines 1-14) and a step of notifying said participants of changes of stats in said presence and location information for members in said team ([0115] lines 1-7).

As per claim 9, which is dependent on claim 9, Tang discloses a method wherein said set of mechanisms further includes persistent chat and said step of initiating communication further includes initiating a persistent chat session (Figure 8b).

Claims 10,18 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 11,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 12,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 13,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 14,15,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claims 16,23 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 17,24 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claim 25 is individually similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 26 is individually similar in scope to that of claim 9, and is therefore rejected under similar rationale.

As per claim 26, which is dependent on claim 26, Tang discloses a method wherein said set up unit communication further sets up third party calls ([0100] lines 1-12).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US006014135A teaches a communication interface for interacting with people at different locations.
- US 20020129103A1 teaches a method of updating presence information.

- US006430567B2 teaches a collaboration interface including applets to chat and email, also including location information.
- US 20020130904A1 teaches a communication interface with presence information and the ability to chat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2174  
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Application/Control Number: 09/886,876  
Art Unit: 2174

Page 7